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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,150	10/06/2000	Evangelos A. Yfantis	YFANTIS.0008P	9969

32856 7590 08/07/2003

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EXAMINER
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LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/684,150

Applicant(s)

YFANTIS, EVANGELOS A.

Examiner

Tung S Lau

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HL

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the appeal brief filed 6-2-2003. After meeting with the supervisors in 2800 group, is recommended that previous rejection on 11-1-2003 should withdrawn and to open prosecution on the claimed subject matter

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9, 5, 6, 7, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanuytven (U.S. Patent 6,374,681).

Regarding claim 1:

Vanuytven discloses a method of determining the shape and size of a foot comprising the steps of obtaining an imprint of the foot by compressing said foot into a compressible member (Col. 2-3, Lines 39-5); scanning the imprint of the foot formed in said compressible member to obtain pixel image data regarding the foot imprint at one or more points (Col. 2-3, Lines 39-5, fig. 1); determining at said one or more points the depth of the imprint from the image data(Col. 2-3,

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Lines 39-5); determining the size of said foot imprint (Col. 2-3, Lines 39-5); and determining the curvature of one or more portions of said foot imprint (Col. 3, Lines 6-39).

Regarding claim 9:

Vanuytven discloses a method of determining the size and shape of a foot comprising obtaining scanned image data of an imprint of the foot at one or more points (Col. 2-3, Lines 39-5, fig. 1), said image data including a luminance value (Col. 2-3, Lines 39-5, fig. 1); determining a depth of the imprint at one or more points with said luminance value at said one or more points and a slope of the luminance value at said one or more points(fig. 1).

Regarding claims 5, 6, 7, 8 :

Vanuytven discloses a method including the step of generating an altered image of said foot imprint and determining the size of said foot imprint from said altered image (fig. 1, Col. 2-3, Lines 39-5), through a filter to create the image (fig. 2), including the step of generating an element for mating with at least a portion of the foot using said depth, size and curvature information (Col. 2-3, Lines 39-5), including the step of storing said depth, size and curvature information (Col. 2-3, Lines 39-5).

***Claim Objections***

3. Claims 2-4, 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the step of obtaining red, blue and green pixel image data, YIQ data, a linear function of the luminance value slope, luminance value slope are modified by a first and second coefficient.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Allowable Subject Matter***

4. Claim 19 are allowed.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

Independent claim 19 contains allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 19:

The primary reason for the allowance of claim 19 is the inclusion of the method steps of determining the depth of said imprint at one or more points from the Y component of said data at said one or more points and the slope of the Y component at said one or more points; determining the size of said foot from said imprint by: enhancing said image by passing said pixel image data through a low pass filter; and measuring the size of said imprint generated from said filtered data; and determining the curvature of said foot from said imprint by calculating the rate of change of said depth information at said one or more points. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

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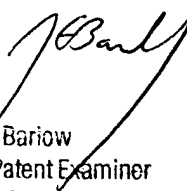
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703)

872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

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